

REMARKS

This is in response to the outstanding Office Action, Paper No. 030805, dated March 15, 2005. The specification has been amended to more clearly define the invention as clearly illustrated in Figs. 5 and 7. Claims 1 through 13 have previously been cancelled, and Claims 14, 15, 18, and 24 have been amended. The claims now in the application are Claims 14 through 24. Favorable reconsideration of the application, and a Notice of Allowance, is respectfully requested.

Applicant proposes that Fig. 6 be amended by replacing the numeral 218 with the numeral 212, and that Figs. 5, and 7 be amended by identifying the non-shadow portions of the underlay sheet 208 with the reference numeral 300.

In the outstanding office action, the Examiner rejected Claims 15 and 24 under 35 U.S.C. § 112. Applicant has amended Claims 15 and 24 to delete inadvertently included language, thereby obviating the Examiner's rejection to Claims 15 and 24.

In the outstanding office action, the Examiner rejected Claims 14 through 24 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. Design 369,421 to Kiik et al. (Kiik et al.). These rejections are respectfully traversed in light of the amended language of Claims 14 and 18, which now recite that each underlay sheet has one or more shadow patches and one or more non-shadow portions, and that at least one of the shadow patches of each shingle defines a remainder portion when the select tab covers a portion of the at least one shadow patches. Claims 14 and 18 further recite that the positions of the select tab and the shadow patches vary with respect to each other from shingle to shingle, thereby leaving a portion of one of the shadow patches and a portion of one of the non-shadow portions uncovered by the select tab.

In Kiik et al., a laminated shingle having one specific pattern or design is disclosed. The portion of the underlay visible between and below the tabs is uniform in appearance. The entire visible portion of the underlay is illustrated as being one uniform color or shade and is darker in appearance relative to the tabs. The underlay sheet of the Kiik et al. shingle does not include a non-shadow portion. Thus, Kiik et al. do not teach or suggest an underlay sheet with one or more shadow patches and one or more non-shadow portions. Further, because Kiik et al. disclose one specific pattern or design, Kiik et al. cannot teach or suggest that the positions of the select tab and the shadow patches vary with respect to each other from shingle to shingle, thereby leaving a portion of one of the shadow patches and a portion of one of the non-shadow portions uncovered by the select tab. Thus, the claimed invention is clearly patentable over the Kiik et al.

Therefore, contrary to the Examiner's assertion, the cited reference does not teach or suggest the invention as recited in Applicant's claims. Accordingly, Claims 14, and 18 are patentable over the cited reference, and Applicant requests withdrawal of the rejection under 35 U.S.C. §102(b). Because Claims 14 and 18 are patentable, at least for this reason, Claims 15 through 17 and 19 through 24 are also patentable, and Applicant respectfully requests reconsideration and withdrawal of the rejections of record, and allowance of all pending claims.